

INTERSTATE ADOPTION PROCEDURE

If a child's permanency plan is to be adopted by a family residing outside of the state of Michigan, the Interstate Compact on the Placement of Children (ICPC) must be used (see [ICM-120, Interstate Adoption Procedures](#)). The ICPC process should be initiated as early in the permanency planning process as possible. Foster care and adoption staff must coordinate the referral process through the Interstate Compact Office.

A child cannot be placed out of state for relative placement, foster care placement, or adoption without prior written approval from the receiving state through the ICPC process.

Michigan is a current member of the ICPC. The Safe and Timely Interstate Placement of Foster Children Act of 2006 (Public Law 109-239) was signed into law on July 3, 2006 and created new standards that apply to the interstate placement of children. The law became effective October 1, 2006 and applies to payments made under titles IV-B and IV-E of the Social Security Act.

Public Law 109-239 now includes a title IV-E state plan requirement to complete requested home studies within 60 days of receipt of a request. The law also provides possible incentive payments of \$1,500 for each home study completed within 30 days of receipt of a request (through federal fiscal year 2010) and a requirement in ICPC cases that ongoing visitation between the worker and the child must take place at least every six months.

In order for Michigan to apply for financial incentive payments for home studies completed within 30 days of receipt of a request, the ICPC central office staff must track the required data and report to the Administration for Children & Families (ACF).

Federal Incentive Payments

Specific requirements that states, counties, tribes, and private child placing agencies must meet for interstate out-of-home care placements are as follows:

- Each interstate home study completed and submitted to ICPC within 30 days of the receipt of a request is eligible for a \$1,500 incentive payment. If ACF has insufficient funds to cover the number of timely (30 days) home study incentive payments,

then an adjustment of the payment will be calculated by dividing the total amount available by the number of eligible timely interstate home studies. The timely interstate home study incentive provision remains in effect until October 1, 2010.

Exception Requests

- For home studies begun on or before September 30, 2008, child placing agencies can request a 15 day extension with the reason for the delay indicated in writing to the ICPC office. In order to complete home studies within the 30, 60, or 75-day time limits, the new law exempts education and training requirements of prospective foster and adoptive parents prior to placement approval. P.L. 109-239 does not exclude the requirement for criminal background checks and those must be included in the home study within the 30, 60, or 75-day time frame. Home studies not completed within 75 days of receipt of a request will jeopardize title IV-B or IV-E funding.

Visitation Requirements

- The federal law requires that face-to-face visitation between the worker and the child occur at least every six months (instead of every 12 months) and allows state agencies to contract with private child placing agencies to conduct the visits, if necessary.

Documentation Requirements

- Documentation of ICPC cases including consideration of interstate placement must be included in the child's service plan. Reasonable efforts to consider interstate placements as a part of concurrent planning and during permanency planning decisions must be documented. Efforts to facilitate timely interstate placements must be included in service plans.

Permanency Planning

- Permanency planning should include:
 - Consideration of interstate placements when it is determined that reasonable efforts to reunify the family cannot be made and appropriate placement may be available through interstate.

- Consideration of in-state and out-of-state placements at the initial 30 day permanency hearing and/or at the 12 month permanency planning hearing.
- Consideration of out-of-state placements when reasonable efforts are made to find adoptive homes or legal guardianships.

Court Duties

- Courts should cooperate in information sharing. The ICPC authorizes courts to obtain information and testimony from child placing agencies and parties in other states without requiring interstate travel. The ICPC also permits parents, children, attorneys, and other necessary parties to participate without requiring interstate travel.

Interstate Adoption Appeals

Approved adoptive families from jurisdictions (counties or states) other than the child's county of commitment or county of residence who express an interest in adopting a child must be given consideration as adoptive parents when the child has no identified adoptive family.

If an approved adoptive family from a jurisdiction (county or state) other than the child's county of commitment or county of residence expresses interest in adopting a child who does not have an identified family and the family is either not selected as the adoptive family or the family asserts the adoption was or is being delayed, the family may request an administrative hearing to determine if a violation of Section 471(a)(23)(A) occurred. Within 15 days of receipt of a request for a hearing, the local MDHHS office with supervisory responsibility for the child, must prepare form DHS-3050, Hearing Summary, and send to the Michigan Administrative Hearing System (MAHS).

Michigan Administrative Hearing System (MAHS)
Benefit Services Division
P.O. Box 30763
Lansing, MI 48909
Tel.: (517) 335-7519
Fax: (517) 763-0155

A copy of the hearing summary must also be forwarded to the adoption program manager at the MDHHS central office.

PLACEMENT OF
CHILDREN OUTSIDE
THE UNITED STATES

All potential placements outside the United States (usually in Canada or Mexico) for permanent wards with the federal goal of adoption require consultation with the adoption program office and the Children's Services Legal Division (CSLD). Intercountry placement does not fall under the Interstate Compact Agreement. Local offices must contact MDHHS central office to obtain the process and proper documentation/notification from immigration authorities.

COURTESY
ADOPTION
SERVICES/
SUPERVISION

Courtesy adoption services/supervision may be requested of a local MDHHS office when the distance between county of commitment and the county of placement is too great to allow for planning and casework to proceed in a timely manner. A MDHHS memo must be used to coordinate services when a child or adoptive family does not reside in the county of commitment. Any disagreements between counties on transfer of responsibility for a child are to be escalated for resolution to the county's area office. (See [FOM 722-14, Foster Care - Courtesy Supervision](#).)